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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/530,813 | 07/13/2005 | Munchiro Oda | 2005_0587A | 9600 |
| 513 7590 09/18/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503 | | | | |
| EXAMINER | | | | |
| BADR, HAMID R | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1794 | | | | |
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| 09/18/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

Applicants' amendment/remarks filed on 9/8/2009 is acknowledged. These amendments/remarks are entered for the appeal purpose.

No claims are allowed.

Response to Arguments

Applicants arguments have been considered. These arguments are not deemed persuasive for the following reasons.

1. Applicants argue that consumption of 10-15 grams/day of the claimed processed cheese results in intake of total angiotensin converting enzyme (ACE) inhibitory activity of 5000 units which is considered to be effective in sustaining a normal blood pressure.
 - a. Please refer to paragraph 9 of the pending Office action where Henson (R2) discloses the a medium aged, natural cheese such as regular cheddar can be used to make the processed cheese. On the other hand consumption of a known quantity of such cheeses for their physiological effect is not a requirement in any of the present claims.
2. Applicants argue that not all kinds of processed cheese disclosed in Henson and JP '136 necessarily have ACE inhibitory activities of 350 u/g or more.
 - a. Henson (R2) discloses that a medium aged, natural cheese such as regular cheddar can be used to make the processed cheese. A medium aged cheddar cheese contains the inhibitory activity as presently claimed. Further, please refer to paragraph 14 of the pending Office action for the type of cheeses disclosed by JP '136. During

aging, fermentation with bacteria (cheddar cheese) or mold (blue, camembert cheese) occurs to produce many kinds of peptides from α -casein (cheddar and blue cheese), β -casein (camembert, blue cheese) and gamma-casein (blue cheese) possessing ACE inhibitory activity. All of the cheeses disclosed by the cited references are aged cheeses and will inherently contain the inhibitory activity as presently claimed.

3. Applicants argue that neither Henson nor JP '136 recognizes the need for, or importance of processing a natural cheese with the recited ACE inhibitory activity.

a. The need and importance of processing a natural cheese are not requirements of the present claims. The types of cheeses disclosed by both references contain the inhibitory activity as presently claimed.

Conclusion

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMID R. BADR whose telephone number is (571)270-3455. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hamid R Badr
Examiner
Art Unit 1794

/KEITH D. HENDRICKS/
Supervisory Patent Examiner, Art Unit 1794